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In Propria Persona

**UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

TODD R. G. HILL, et al,

Plaintiffs

vs.

**THE BOARD OF DIRECTORS,
OFFICERS AND AGENTS AND
INDIVIDUALS OF THE PEOPLES
COLLEGE OF LAW, et al.,**

Defendants.

CIVIL ACTION NO. 2:23-cv-01298-JLS-BFM

The Hon. Josephine L. Staton
Courtroom 8A, 8th Floor

Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

**PLAINTIFF'S SUPPLEMENTAL FILING IN
SUPPORT OF MOTION FOR
RECONSIDERATION AND REQUEST FOR
JUDICIAL NOTICE**

NO ORAL ARGUMENT REQUESTED

**PLAINTIFF'S SUPPLEMENTAL FILING IN SUPPORT OF MOTION FOR RECONSIDERATION AND
REQUEST FOR JUDICIAL NOTICE**

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff respectfully submits this Supplemental Filing in Support and Request for Judicial Notice related to his Motion for Reconsideration filed on March 28, 2025. This supplemental filing is intended to bring newly discovered evidence to the Court’s attention that further supports Plaintiff’s arguments regarding the State Bar’s failure to properly oversee and regulate admissions processes, as well as the Court’s failure to address critical issues raised in Plaintiff’s Fourth Amended Complaint.

Mathews v. Eldridge, 424 U.S. 319, 335 (1976) emphasizes that ‘due process requires an opportunity to present every available defense.’ The State Bar’s strategy seeks to deprive Plaintiff of this fundamental right.

This case is not solely about Plaintiff—it concerns the integrity of the legal profession and the protection of prospective law students. Courts have a vested interest in ensuring regulatory agencies fulfill their statutory obligations. See *Texas Dep’t of Housing v. Inclusive Communities Project*, 576 U.S. 519 (2015) (recognizing disparate impact in regulatory enforcement failures). The State Bar’s refusal to enforce accreditation standards has systemic consequences that extend beyond this litigation.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. EVIDENCE OF SYSTEMIC FAILURES AND PROCEDURAL MISCONDUCT

The Plaintiff has uncovered new evidence that directly relates to the claims asserted in his Motion for Reconsideration. This evidence further substantiates Plaintiff's contention that the State Bar of California was aware of significant institutional deficiencies affecting its oversight of admissions processes, including accreditation, moral character determinations, and examination administration.

The newly discovered document, the State Bar's own correspondence, dated April 2, 2025, titled "Update on State Bar Roles," was published earlier this week by Leah T. Wilson, Executive Director of the California State Bar. This document provides important insight into the structural issues facing the State Bar and the Committee of Bar Examiners (CBE). Additionally, it demonstrates the State Bar's ongoing internal restructuring, including the appointment of Donna Hershkowitz as Chief of Admissions, in support of the timely grant of discovery related to Plaintiff's claims.

A. NEWLY DISCOVERED EVIDENCE

The "Update on State Bar Roles" acknowledges the following:

1. The Committee of Bar Examiners (CBE) has historically faced challenges in maintaining transparency, accountability, and effective oversight of admissions processes.
2. Structural deficiencies identified in the 2017 Governance in the Public Interest Task Force Report have prompted ongoing reforms, including the restructuring of the State Bar's Admissions function.

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- 1 3. The restructuring effort is indicative of the State Bar's awareness of procedural and
2 administrative deficiencies relevant to Plaintiff's claims.
3

4 **B. BASIS FOR JUDICIAL NOTICE:**
5

6 Pursuant to Federal Rule of Evidence 201, judicial notice is appropriate when the fact is not
7 subject to reasonable dispute because it:
8

- 9 1. Is generally known within the trial court's territorial jurisdiction; or
10 2. Can be accurately and readily determined from sources whose accuracy cannot reasonably be
11 questioned.
12

13 The document in question, titled "**Update on State Bar Roles**" (published on April 2, 2025, by Leah
14 T. Wilson, Executive Director of the California State Bar), is a public record and an official
15 communication from a state agency. The document is accessible through official State Bar channels
16 and is relevant as it directly relates to the structural and administrative changes within the State Bar
17 that impact Plaintiff's claims of procedural deficiencies and regulatory failures.
18

19 **C. LEGAL SIGNIFICANCE**
20

21 This newly discovered evidence supports Plaintiff's argument that the State Bar's institutional
22 failures are systemic and ongoing. The Court's dismissal of the State Bar defendants was predicated
23 on a failure to consider the full scope of these institutional deficiencies and the State Bar's attempts to
24 restructure in response to its own failures.
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1 Moreover, the evidence of internal restructuring corroborates Plaintiff's allegations that the State
2 Bar was aware of its own failures and took action to mitigate exposure rather than to address the
3 underlying issues adequately. Plaintiff submits that this evidence should have been considered by the
4 Court before ruling on the dismissal of the State Bar defendants.
5

6
7 Plaintiff submits that this record is not speculative; it is identified, documented, and submitted
8 here as Exhibit A, a true and accurate copy attached.
9

10 **Notably, the documents demonstrate that the State Bar knowingly mischaracterized its**
11 **regulatory role as 'judicial' rather than 'administrative' to the Court in this context.** The Court
12 took judicial notice of State Bar arguments regarding Eleventh Amendment immunity in this context
13 less than one week ago (see Docket 248). This distinction is legally dispositive and of critical
14 importance.
15

16 In *Verizon Maryland, Inc. v. Public Service Commission of Maryland*, 535 U.S. 635, 645
17 (2002), the Supreme Court held that state regulatory entities performing enforcement functions are
18 not shielded by sovereign immunity when their conduct violates federal law. Here, the State Bar's
19 failure to enforce accreditation compliance standards, facially compounded by its suppression of
20 public records that may expose regulatory failures, constitutes an ongoing violation of federal law.
21

22 This ongoing violation aligns directly with the framework established in *Ex parte Young*, 209
23 U.S. 123 (1908), which allows for injunctive relief against state actors engaged in continuing
24 violations of federal law. Todd's claims — rooted in the State Bar's refusal to enforce regulatory
25 standards and its suppression of public records that could reveal these failures — fit squarely within
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1 this framework. Dismissing Todd’s claims with prejudice, particularly where procedural evasion and
2 apparent misrepresentations by opposing counsel have obstructed his ability to obtain relevant
3 evidence, would be inconsistent with the principles of due process and federal oversight of state
4 regulatory bodies.
5

6
7 **A. THE RECORD SUPPORTS A FINDING OF GOOD CAUSE**

8 The records identified here demonstrates that both relevant evidence and applicable caselaw
9 exists. Courts have consistently recognized that when a party has identified a substantial body of
10 relevant material yet refuses to conduct reasonable review, good cause for discovery is established.
11

12 Plaintiff requests that the Court reject improper factual determinations and reconsider its previous
13 dismissal posture.
14

15 **B. THE STATE BAR’S ACTIONS UNDERMINE PUBLIC ACCOUNTABILITY AND**
16 **TRANSPARENCY**

17 As a government institution responsible for overseeing attorney licensure and legal education
18 policy, the State Bar is obligated to maintain transparency. Its own publications in official
19 proceedings supports this assertion.
20

21
22 **C. DUE PROCESS & INSTITUTIONAL PREFERENCE**

23 The Court has an independent duty to ensure that its rulings adhere to fundamental fairness and
24 procedural due process. See *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) (‘[D]ue process requires
25 an opportunity to present every available defense.’). In the extant case, it risks affirming a system
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1 where litigants are prejudiced by virtue of institutional affiliation, rather than legal merit. Such a
2 precedent cannot stand.
3

4 **D. PUBLIC INTEREST IMPLICATIONS**

5 The State Bar’s ongoing failure to regulate unaccredited law schools has consequences far beyond
6 this litigation. Courts have a vested interest in ensuring that regulatory agencies uphold their
7 obligations. See *Texas Dep’t of Housing v. Inclusive Communities Project, Inc.*, 576 U.S. 519 (2015)
8 (holding that regulatory enforcement failures disproportionately impact underprivileged groups). This
9 case is not merely about procedural compliance—it is about the systemic accountability of a
10 regulatory body entrusted with protecting the public interest.
11
12

13 **II. LEGAL SIGNIFICANCE**

14 The newly discovered evidence underscores a pattern of institutional failure by the State Bar to
15 adhere to fundamental principles of procedural fairness and accountability.
16

17 Moreover, the evidence of internal restructuring corroborates Plaintiff’s allegations that the State
18 Bar was aware of its own failures and took action to mitigate exposure rather than to address the
19 underlying issues adequately. Plaintiff submits that this evidence should have been considered by the
20 Court before ruling on the dismissal of the State Bar defendants.
21

22 The newly discovered evidence underscores a pattern of institutional failure by the State Bar to
23 adhere to fundamental principles of procedural fairness and accountability. As established in
24 *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), “due process requires an opportunity to present
25 every available defense.” By suppressing relevant evidence and failing to enforce accreditation
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standards, the State Bar has deprived Plaintiff of his fundamental right to meaningful review. Moreover, the Supreme Court's decision in *Verizon Maryland, Inc. v. Public Service Commission of Maryland*, 535 U.S. 635, 645 (2002), reaffirmed that sovereign immunity does not shield state regulatory entities when they are performing enforcement functions that violate federal law. Here, the State Bar's failure to enforce accreditation compliance standards and its suppression of public records that may expose these violations constitutes an ongoing violation of federal law. This ongoing violation aligns directly with the framework established in *Ex parte Young*, 209 U.S. 123 (1908), which allows for injunctive relief against state actors engaged in continuous violations of federal law.

Furthermore, the principles set forth in *Tennessee v. Lane*, 541 U.S. 509 (2004), establish that state actors cannot evade judicial scrutiny when their actions infringe upon constitutional rights, particularly when procedural fairness and access to the courts are compromised. (This case reaffirms that procedural fairness must be safeguarded where constitutional rights and access to justice are at stake.) This is further supported by *Heckler v. Chaney*, 470 U.S. 821 (1985), which clarifies that agency discretion is not absolute, particularly when statutory or regulatory mandates are at stake. The Supreme Court's holding in *Armstrong v. Exceptional Child Center, Inc.*, 575 U.S. 320 (2015), confirms that *Ex Parte Young* remains a valid mechanism for challenging ongoing violations of federal law by state officials. The State Bar's actions, which include suppression of evidence and deliberate mischaracterization of its regulatory role, present precisely the type of institutional misconduct that federal courts are empowered to enjoin under *Ex Parte Young*. Additionally, as recognized in *California Teachers Ass'n v. State Bd. of Education*, 271 F.3d 1141 (9th Cir. 2001), procedural due process violations within administrative frameworks warrant judicial intervention to

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1 preserve fairness and accountability. Given the State Bar’s failure to address these deficiencies, the
2 Court’s previous dismissal of the State Bar defendants without addressing this evidence constitutes a
3 clear error warranting reconsideration.
4

5 **III. RELIEF REQUESTED**

6
7 For the foregoing reasons, Plaintiff respectfully requests that the Court reconsider its dismissal of
8 the State Bar defendants in light of this newly discovered evidence, or, alternatively, permit discovery
9 related to the evidence identified herein to ensure a complete and fair adjudication of Plaintiff’s
10 claims. Plaintiff further requests that the Court address the implications of this evidence in
11 conjunction with Plaintiff’s previously filed Motion for Reconsideration.
12
13

14 The Supreme Court’s ruling in *Students for Fair Admissions v. Harvard*, 600 U.S. 181 (2023)
15 (*SFFA*) underscores that courts must scrutinize institutional practices that perpetuate racial inequality,
16 particularly in educational contexts. In *SFFA*, the Court recognized that educational institutions —
17 even those operating under constitutional authority — may not insulate themselves from judicial
18 scrutiny when their policies or practices result in systemic disadvantages that disproportionately harm
19 minority students.
20
21

22 Similarly, the structural inequities embedded in the State Bar’s oversight of unaccredited law
23 schools demand closer examination. The State Bar’s failure to enforce accreditation compliance
24 standards — coupled with its refusal to produce public records that may reveal discriminatory
25 impacts — presents precisely the type of institutional evasion that *SFFA* warns courts against
26
27

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1 ignoring. The discovery Plaintiff seeks is essential to evaluating whether the State Bar's regulatory
2 decisions perpetuate structural inequality in violation of federal law.
3

4 Moreover, as the Court in *Johnson* recognized, addressing entrenched inequalities requires
5 proactive measures to expose institutional practices that disadvantage historically marginalized
6 groups. The State Bar's regulatory conduct — including its suppression of records related to
7 accreditation enforcement — reflects a system that disproportionately burdens minority students
8 attending unaccredited law schools. The discovery Plaintiff seeks is narrowly tailored to reveal
9 evidence of this systemic imbalance.
10
11

12 Plaintiff appreciates the Court's attention to these matters and respectfully requests fair and
13 timely adjudication of these procedural issues.
14

15 Dated: April 3, 2025

16 Respectfully submitted,
17

18
19
20
21


22 Todd R. G. Hill
23 Plaintiff, Pro Se

24
25 **STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**


26 The undersigned party certifies that this brief contains 2,411 words, which complies with the 7,000-
27

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1 word limit of L.R. 11-6.1.

2 Respectfully submitted,

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5
6 April 3, 2025

7 Todd R.G. Hill

8 Plaintiff, in Propria Persona
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15 **Plaintiff's Proof of Service**

16 This section confirms that all necessary documents will be properly served pursuant to L.R. 5-
17
18 3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a
19 document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the
20 CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court
21 and (2) all pro se parties who have been granted leave to file documents electronically in the case
22 pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service
23 through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P.
24 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal
25 Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.
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1 Respectfully submitted,
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5 April 3, 2025
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7 Todd R.G. Hill
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9 Plaintiff, in Propria Persona
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EXHIBIT A

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2.1 Overview of Roles of the Board of Trustees and the Committee of Bar Examiners in Oversight and Administration of Admissions Functions



The State Bar of California

OPEN SESSION

AGENDA ITEM

2.1 APRIL 2025

BOARD OF TRUSTEES

DATE: April 2, 2025

TO: Members, Board of Trustees

FROM: Leah T. Wilson, Executive Director

SUBJECT: Overview of Roles of the Board of Trustees and the Committee of Bar Examiners in Oversight and Administration of Admissions Functions

EXECUTIVE SUMMARY

This item provides an overview of the subentity review process conducted in response to the 2017 Governance in the Public Interest Task Force Report (GIPTF), with a specific focus on those aspects of the review related to the Committee of Bar Examiners (CBE). The review identified key areas for improvement for that body, including role definition, authority, transparency, and decision-making. Pursuant to work stemming from the 2017 GIPTF review, the CBE gained new explicit responsibilities for bar exam development and administration policy, greater standardization and transparency were introduced to the moral character determination and law school accreditation processes, first-level review of a host of appeals was transitioned from the CBE to staff, and the CBE's role in review of the Admissions Fund budget was clarified.

RECOMMENDED ACTION

Informational only.

DISCUSSION

In its 2017 report, the State Bar's Governance in the Public Interest Task Force "assess[ed] whether the structure of the subentities aligns with assigned tasks and appropriate oversight mechanisms are in place." That assessment, contained in Appendix I of the report, posed a number of additional questions related to each subentity.

At its November 2017 meeting, the Board of Trustees directed staff and a number of Board committees "to complete the subentity review pursuant to Appendix I" by August 31, 2018.

The Board subsequently discussed a conceptual framework for the review centered around the following elements:

1. Role definition
2. Accountability and transparency
3. Clear lines of authority
4. Impartial, fair, and consistent decision-making
5. Engagement
6. Size

Beginning in 2017 and continuing throughout 2018, the State Bar engaged in a collaborative and inclusive process to review the subentities of the State Bar and evaluate them in the context of the 2017 Governance in the Public Interest Task Force Report and the framework described above.

A starting point for the review was the fact that the State Bar relied on more volunteers and more subentities than any other California regulatory body, despite the fact that the State Bar did not have more licensees than some comparable agencies.

The final report, “Opportunities for Improving Governance and Services Delivery”, submitted to the Board in September 2018, utilized this framework to examine the various subentities of the State Bar. The Board adopted a set of recommendations pursuant to that report.

SUBENTITY REVIEW AND THE COMMITTEE OF BAR EXAMINERS

With respect to the Committee of Bar Examiners, the subentity review relied heavily on an extensive process led by former State Bar Executive Director Elizabeth Parker and organizational consultant Elise Walton. That process included iterative interviews and engagement with current and former members of the CBE and admissions-related stakeholders, as well as research into the functioning of parallel bodies in other states.

Reforms were identified in a number of areas including:

Role Definition and Lines of Authority: It was noted that there was confusion over CBE's role related to scope, authority, and independence. Importantly, one area highlighted was budget oversight; the 2018 report clarified that although historically updates regarding the Admissions Fund budget were reported to the CBE, that body had never had the authority to make budgetary decisions.

In September 2017, the CBE inquired with the Office of General Counsel (OGC) of the State Bar as to its authority. The questions posed (What can CBE decide on its own? What is reported to the Board of Trustees? What must be approved by the Board? What requires Legislative approval or must be reported to the Legislature? What requires Supreme Court approval?) reflect the confusion at that time as to the authority of the CBE. OGC's response to the CBE indicated, in essence, that the CBE derives its authority

from the State Bar subject to the authority of the Supreme Court.¹ The CBE is authorized “to administer requirements for admission to practice law, examine all applicants for admissions, and certify to the Court for admission those applicants who fulfill the requirements.”² The CBE administers these functions “only to the extent that the Board so authorizes, subject to the ultimate authority of the Court.”³

Accountability & Transparency: The 2018 report highlighted the need for enhanced analysis of bar examination data, as opposed to publication alone, as well as the need for greater transparency and consistency in the administration of the moral character determination process.

Impartial, Consistent, and Fair Decision-Making: In addition to flagging needed improvements in the moral character determination process, the 2018 report identified a number of potential reforms related to the law school accreditation process, specifically recommending that professionalization of that work be considered.

Engagement: While CBE members were noted as being consistently engaged, lower levels of participation and involvement by California law schools in policy making were noted.

Size: The report highlighted the large size of the CBE in contrast to its comparator bodies in other states.

In addition to these observations aligning with the subentity review elements established by the Board in its November 2017 staff directive, additional recommendations were generated informed by the Parker/Walton report and discussions with the CBE. These recommendations reflected a shift in administrative work from CBE to staff (transitioning from CBE to staff responsibility for first-level consideration of exam violation and other types of appeals for example), clarification that the Board, not the CBE, is responsible for the Admissions Fund budget, and adding new policy and oversight functions to the CBE related to exam development and administration.

Table 1 below summarizes all of the CBE-related recommendations brought forward to and adopted by the Board of Trustees in 2018.

- The second column proposes who should be responsible for the function and/or related tasks going forward;
- The third column indicates whether the proposal represents new work or a change from the current work and/or division of labor between the CBE and State Bar staff;
- The fourth column indicates how law schools will be engaged in the work, whether appropriate; and
- The fifth column describes the role of the Board of Trustees.

¹ This legal opinion is provided as [Appendix B](#) of the 2018 board item linked under the Previous Action section of this report.

² State Bar Office of General Counsel, op. cit., p2.

³ Ibid., p4.

Table 1. Proposed Role Changes in Exam, Accommodations & Moral Character Processes

I. Exam Development	Proposed Responsible	Change from Current?	Proposed Law School Role	Proposed Board of Trustees Role
1. Develop questions	EDG Team			
2. Review of questions	CBE			Review results
3. Evaluate grading	CBE	<i>New</i>		Review results
4. Sampling plan	Staff & psychometrician	<i>New</i>		Review as part of 7-year bar exam study.
5. Challenges to exam questions	CBE			
6. Set exam fee	CBE			Review changes. ⁴
II. Testing Accommodations	Proposed Responsible	Change from Current?	Proposed Law School Role	Proposed Board of Trustees Role
1. Policy Development	Staff & CBE		Serve on working groups to develop policies	Review & approve proposed policy changes
2. Review petitions	Staff (with consultant)			
3. Review appeals	CBE			
III. Moral Character	Proposed Responsible	Change from Current?	Proposed Law School Role	Proposed Board of Trustees Role
1. Policy Development	Staff & CBE		Serve on working groups to develop policies	Review & approve proposed policy changes
2. Reviews & Informal Conferences	Staff	<i>Change</i>		
3. Review appeals	CBE			
IV. Eligibility & Enforcement of Exam Rules	Proposed Responsible	Change from Current?	Proposed Law School Role	Proposed Board of Trustees Role

⁴ OGC subsequently flagged this entry as an error. The Board is the entity responsible for setting exam fees, generally upon CBE's recommendation.

1. Policy development	Staff & CBE		Inform via law school assembly & e-newsletter	Review & approve proposed policy changes
2. Enforcement	Staff for initial decisions	<i>Change</i>		
3. Appeals	CBE			
V. Exam Analysis & Review	Proposed Responsible	Change from Current?	Proposed Law School Role	Proposed Board of Trustees Role
1. Standard setting study	Staff (with consultant)		Serve on working group	Review and submit results to Supreme Court and Legislature
2. Content validation study	Staff (with consultant)		Serve on working group	Review and submit results to Supreme Court and Legislature
3. Job analysis	Staff (with consultant)		Serve on working group	Review and submit results to Supreme Court and Legislature
VI. Budget	Proposed Responsible	Change from Current?	Proposed Law School Role	Proposed Board of Trustees Role
1. Budget development & management	Staff	<i>Change⁵</i>		Approve annual budget and amendments
VII. Personnel	Proposed Responsible	Change from Current?	Proposed Law School Role	Proposed Board of Trustees Role
1. Personnel	Staff			
VIII. Trends in Licensing & Certification	Proposed Responsible	Change from Current?	Proposed Law School Role	Proposed Board of Trustees Role
1. Trends study	Staff & CBE	<i>New</i>	Inform via law school assembly & e-newsletter, serve on working group	Review results, consider for 7-year study design

⁵ Reflecting on this table seven years later, the "Change" designation was in error as the CBE was never responsible for approving budgets and amendments. The CBE did, however, provide feedback on these topics.

PREVIOUS ACTION

- [2017 Governance in the Public Interest Task Force Report](#)
- [September 2018 Board agenda item: Appendix I Sub-Entity Review: Report and Recommendations](#)

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS**Goal 4. Protect the Public by Engaging Partners**

- b. 1. Create and sustain partnerships with other organizations, entities, and stakeholder groups.
- c. 3. Engage diverse voices in the development and evaluation of State Bar policy.

RESOLUTIONS

None

ATTACHMENT LIST

None